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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/992,770 12/17/97 HACHIYA

K SONY-6900

EXAMINER
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TM02/0730

WILLIAM E. VAUGHN  
BELL, BOYD & LLOYD LLC  
P.O. BOX 1135  
CHICAGO IL 60690-1135

VII. T	
ART UNIT	PAPER NUMBER

2152  
DATE MAILED:

07/30/01

23

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

SPC

# Office Action Summary

Application No.

08/992,770

Applicant(s)

Hachiya et al

Examiner

Thong Vu

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on May 7, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24, 49, and 51-125 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claims 1-24, 49, and 51-125 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 16
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

1.Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-24, 49,51-70, 93-106,113-117,121-124 drawn to an E-mail automatic control system including a plurality of agents, the agent parameters are continuously modified to control the behavior of an agent, the agent sends an E mail of a pre-set sentence having an appended header to a recipient; classified in class 709 subclass 206

II.Claims 71-92, 112,119,120 drawn a method of providing a virtual agent, storing a first image data of a first agent and second image data on a first computer, displaying first agent based on first image data and first agent parameter, using E-mail to sending first agent parameter to the second computer, class 709 subclass 202

III. Claims 107-111,118,125 drawn to a method of controlling a virtual agent parameter, the agent parameters configured to determine the behavior of virtual agent, setting an absent state, displaying the virtual agent according to state represents other than absent state; classified in class 709 subclass 224

2. The inventions are distinct each from the other because of the following reasons:

Inventions I,II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case invention I has separate utility such an E-mail automatic control system including a plurality of agents, the agent parameters are continuously modified to control the behavior of an agent, the agent sends an E mail of a pre-set sentence having an appended header to a recipient; invention II has separate utility such as it is usable by a method of providing a virtual agent, storing a first image data of a first agent and second image data on a first computer, displaying first agent based on first image data and first agent parameter, using E-

mail to sending first agent parameter to the second computer; invention III has separate utility such as it is usable by a method of controlling a virtual agent parameter, the agent parameters configured to determine the behavior of virtual agent, setting an absent state, displaying the virtual agent according to state represents other than absent state. See M.P.E.P. § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. The reply filed on 5/7/2001 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Newly submitted claims 67-125 are directed to an invention that is independent or distinct from the invention originally claimed as discussed above. See 37 C.F.R. 1.111. Since the above mentioned reply appears to be bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY DAYS (30) from the mailing date of this notice, whichever is longer, within which to supply omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 C.F.R. 1.136(a)

5 Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventor ship must be amended in compliance with 37 C.F.R. 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventor ship must be accompanied by a diligently-filed petition

under 37 C.F.R. 1.48 (b) and by the fee required under 37 C.F.R. 1.17(h).

6 Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643.

The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached at (703) 305-4815.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks

Washington, D.C. 20231

or faxed to :

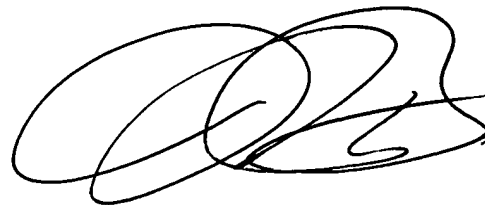
(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 305-7201 (for informal or draft communications, please label "PROPOSAL" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu  
Jan 11, 2001



**MARK H. RINEHART  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**